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EXAMINER

SAOUD, CHRISTINE J

ART UNIT PAPER NUMBER

1647

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Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 1647

### INTERFERENCE

Allowable claim 59 of the application is considered to be the count for the purpose of an interference (35 U.S.C. § 135(a)) with claim 1 of U.S. Patent 5,928,939 (Eriksson et al.).

Claim(s) 60 of the application 60 considered unpatentable over this count.

Pursuant to 37 CFR 41.202(c), applicant must comply with the requirements set forth in 37 CFR 41.202(a)(2)-(a)(6).

A shortened statutory period for reply to this communication is set to expire THREE MONTHS from the mailing date of this action. Extensions of time may be granted under 37 CFR 1.136(a). **In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this communication.**

For Applicant's clarification, the nucleic acid sequence of SEQ ID NO:14 of Eriksson et al. is identical to the nucleic acid sequence of SEQ ID NO:3 of the instant application over 624 bases, except for one difference (C to T) which is silent in the encoded protein. The nucleic acid molecule of the instant application is longer (1094 bases), but the molecule of Eriksson et al. would clearly hybridize under the recited conditions, as well as encode the same protein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine J. Saoud whose telephone number is 571-272-0891. The examiner can normally be reached on mtr, 8:00-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1647

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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